

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF  
MASSACHUSETTS,

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T.  
GIAMPA, ADVANCED SPINE CENTERS,  
INC. D/B/A FIRST SPINE REHAB, FUTURE  
MANAGEMENT CORPORATION,  
EDWARD KENNEDY, BRIAN J.  
CULLINEY, D.C. AND JENNIFER  
McCONNELL, D.C.

Defendants.

CIVIL ACTION NO.: 05-11693 RCL

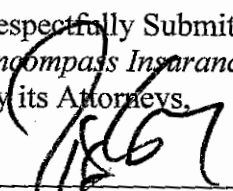
**NOTICE OF FILING FIRST AMENDED COMPLAINT AND WITHDRAWAL  
OF MOTIONS TO DISMISS WITHOUT PREJUDICE**

By agreement of the parties, (1) the plaintiff, Encompass Insurance Company, will file its First Amended Complaint by Friday, September 30, 2005; and (2) the defendants, Joseph D. Giampa, Frederick T. Giampa, Advanced Spine Centers, Inc. d/b/a First Spine Rehab, Future Management Corporation, Brian J. Culliney and Jennifer McConnel, hereby withdraw their motions to dismiss (Docket Nos: 40-41 and 42-43) without prejudice to re-file said motions following the filing of Encompass's First Amended Complaint, after which defendants will have twenty (20) days to file a responsive pleading or other appropriate motion. The plaintiff's rights under Rule 15, Fed. R. Civ. P., are not enlarged by this agreement.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Undersigned counsel certifies pursuant to Local Rule 7.1(A)(2) that the above-referenced parties have conferred in good faith and assent to the foregoing procedural schedule.

Respectfully Submitted  
*Encompass Insurance Company,*  
By its Attorneys.

  
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Dated: September 16, 2005

**CERTIFICATE OF SERVICE**

I, Rick D. King, Jr., attorney for the Plaintiff, Encompass Insurance Company, hereby certify that on this 16th day of September 2005, I caused a copy of the foregoing document to be served upon counsel of record via first class mail.

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- Notice of Filing First Amended Complaint and Withdrawal of Motions to Dismiss Without Prejudice

  
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Richard D. King, Jr.